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FROM: Guatemala City

TO: Secretary of State

NO: 109, July 22, 9 a.m.

SENT DEPARTMENT 109, REPEATED INFORMATION MEXICO CITY 8, SAN SALVADOR 7, SAN JOSE 4, QUITO 1, SANTIAGO 2, BUENOS AIRES 1.

From conversation which member my staff had today with Julio Asensio Wunderlich, under secretary of foreign relations, Guatemalan authorities have not yet adopted clear policy on estimated 700 asylees in foreign diplomatic missions here but would be happy to send Communists to Iron Curtain countries if countries in whose missions they have taken asylum would agree (DEPTEL 72, July 18).

Asensio's remarks indicate responsible officials are now tempering their views on asylum problems in face of unanimous opposition of Latin American countries who have asylees. He expressed relief that junta had refused permit student anti-Communists storm Mexican Embassy, an act which he feared would have resulted in deaths of many women and children, created highly unfavorable opinion abroad of new government and made Mexican recognition impossible.

He went on to say that criminal charges could be brought against very few asylees since financial irregularities fall under civil rather than criminal code, but he agreed to suggestion that Alfonso Martinez could probably be convicted of murder in 1944 of Colonel Arana. In this connection it was suggested that safe conducts might be withheld where there was convincing evidence of criminality until attempt had been made secure approval of courts in country of destination for extradition of presumed criminal immediately on his arrival abroad. Asensio indicated he would explore possibilities. (I have reason believe that Col. Funes, Salvadoran Ambassador would accept such a proposal in case of Martinez.)

Turning question of Communists, Asensio felt quite sure simple fact of being Communist (or Moscow agent) would not provide legal basis for prosecution; however he fully shared our belief Communists could cause serious problems if allowed operate in nearby countries. He said he would be happy have them all shipped to Russia or other Iron Curtain country and inquired whether shipping facilities existed from US to USSR. Asked whether there would be enough Communists to justify chartering small ship

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small ship, Asensio said he would like to ship all asylees behind Iron Curtain, but it is doubtful he intended this seriously; Embassy has identified about 50 known Communist Party members in asylum and there are probably several score more whose membership is not matter of record but who are in any case fellow travellers.

Some of Asensio's enthusiasm disappeared when he confronted problem of persuading other countries to cooperate in shipping Communists to Europe. He rather thought Salvadorans and Argentines might agree but was doubtful about Mexicans. He finally decided address notes to all missions with asylees suggesting this solution and, as he put it, "splash it all over the newspapers". He ignored hint that confidential soundings might be made first. Possible refusal of Iron Curtain countries admit asylees was mentioned but not discussed at length.

Department's suggestion that Guatemalan Government offer suitable building to so use asylees was not discussed since chiefs of missions having asylees met some days ago and decided against proposal rent hotel for asylees. Problem of overcrowding remain serious, especially at Mexican Embassy but situation is gradually improving as women and children abandon asylum. I gather Foreign Ministry contemplates issuance of more safe conducts to minor figures shortly.

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